

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH G. WILKINSON and KELLY  
G. WILKINSON,

Plaintiffs,

v.

PHH MORTGAGE CORPORATION, et  
al.,

Defendants.

No. 2:24-cv-1416 TLN AC PS

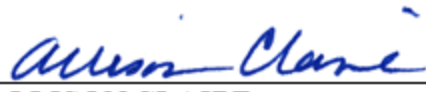
ORDER

Plaintiffs are proceeding in this action pro se, and the case was accordingly referred to the undersigned by Local Rule 302(c)(21). On December 3, 2024, defendants filed a motion to dismiss. ECF No. 22. Defendants noticed the motion for hearing on January 15, 2025 before the undersigned in a document erroneously labeled as an “Amended Motion.” ECF No. 25. Local Rule 230(c) provides that opposition to the granting of a motion must be filed fourteen days after the motion is filed. The Local Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

Running from the date of the later-filed document labeled “amended motion,” plaintiffs’ opposition was due on December 19, 2024. Plaintiffs did not file an opposition.

Good cause appearing, IT IS HEREBY ORDERED that the hearing currently set for January 15, 2025 is VACATED to be re-set as necessary. **Plaintiffs are ORDERED to file an opposition – or a Statement of Non-Opposition – to the motion no later than January 6, 2025.** Failure to timely file an opposition will be deemed a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

DATED: December 23, 2024

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE